House of Representatives

General Assembly

File No. 444

February Session, 2010

Substitute House Bill No. 5507

House of Representatives, April 12, 2010

The Committee on Energy and Technology reported through REP. NARDELLO of the 89th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CONSUMER PROTECTIONS IN THE RETAIL ELECTRICITY MARKET.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 16-244c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) (1) On and after January 1, 2000, each electric distribution company shall make available to all customers in its service area, the provision of electric generation and distribution services through a standard offer. Under the standard offer, a customer shall receive electric services at a rate established by the Department of Public Utility Control pursuant to subdivision (2) of this subsection. Each electric distribution company shall provide electric generation services in accordance with such option to any customer who affirmatively chooses to receive electric generation services pursuant to the standard offer or does not or is unable to arrange for or maintain electric generation services with an electric supplier. The standard offer shall

automatically terminate on January 1, 2004. While providing electric generation services under the standard offer, an electric distribution company may provide electric generation services through any of its generation entities or affiliates, provided such entities or affiliates are licensed pursuant to section 16-245, as amended by this act.

(2) Not later than October 1, 1999, the Department of Public Utility Control shall establish the standard offer for each electric distribution company, effective January 1, 2000, which shall allocate the costs of such company among electric transmission and distribution services, electric generation services, the competitive transition assessment and the systems benefits charge. The department shall hold a hearing that shall be conducted as a contested case in accordance with chapter 54 to establish the standard offer. The standard offer shall provide that the total rate charged under the standard offer, including electric transmission and distribution services, the conservation and load management program charge described in section 16-245m, the renewable energy investment charge described in section 16-245n, electric generation services, the competitive transition assessment and the systems benefits charge shall be at least ten per cent less than the base rates, as defined in section 16-244a, in effect on December 31, 1996. The standard offer shall be adjusted to the extent of any increase or decrease in state taxes attributable to sections 12-264 and 12-265 and any other increase or decrease in state or federal taxes resulting from a change in state or federal law and shall continue to be adjusted during such period pursuant to section 16-19b. Notwithstanding the provisions of section 16-19b, the provisions of said section 16-19b shall apply to electric distribution companies. The standard offer may be adjusted, by an increase or decrease, to the extent approved by the department, in the event that (A) the revenue requirements of the company are affected as the result of changes in (i) legislative enactments other than public act 98-28, (ii) administrative requirements, or (iii) accounting standards occurring after July 1, 1998, provided such accounting standards are adopted by entities independent of the company that have authority to issue such standards, or (B) an electric distribution company incurs extraordinary

and unanticipated expenses required for the provision of safe and reliable electric service to the extent necessary to provide such service. Savings attributable to a reduction in taxes shall not be shifted between customer classes.

(3) The price reduction provided in subdivision (2) of this subsection shall not apply to customers who, on or after July 1, 1998, are purchasing electric services from an electric company or electric distribution company, as the case may be, under a special contract or flexible rate tariff, and the company's filed standard offer tariffs shall reflect that such customers shall not receive the standard offer price reduction.

(b) (1) (A) On and after January 1, 2004, each electric distribution company shall make available to all customers in its service area, the provision of electric generation and distribution services through a transitional standard offer. Under the transitional standard offer, a customer shall receive electric services at a rate established by the Department of Public Utility Control pursuant to subdivision (2) of this subsection. Each electric distribution company shall provide electric generation services in accordance with such option to any customer who affirmatively chooses to receive electric generation services pursuant to the transitional standard offer or does not or is unable to arrange for or maintain electric generation services with an electric supplier. The transitional standard offer shall terminate on December 31, 2006. While providing electric generation services under the transitional standard offer, an electric distribution company may provide electric generation services through any of its generation entities or affiliates, provided such entities or affiliates are licensed pursuant to section 16-245<u>, as amended by this act</u>.

(B) The department shall conduct a proceeding to determine whether a practical, effective, and cost-effective process exists under which an electric customer, when initiating electric service, may receive information regarding selecting electric generating services from a qualified entity. The department shall complete such

82 proceeding on or before December 1, 2005, and shall implement the
83 resulting decision on or before March 1, 2006, or on such later date that
84 the department considers appropriate. An electric distribution
85 company's costs of participating in the proceeding and implementing
86 the results of the department's decision shall be recoverable by the
87 company as generation services costs through an adjustment
88 mechanism as approved by the department.

89 (2) (A) Not later than December 15, 2003, the Department of Public
90 Utility Control shall establish the transitional standard offer for each
91 electric distribution company, effective January 1, 2004.

92 (B) The department shall hold a hearing that shall be conducted as a
93 contested case in accordance with chapter 54 to establish the
94 transitional standard offer. The transitional standard offer shall
95 provide that the total rate charged under the transitional standard
96 offer, including electric transmission and distribution services, the
97 conservation and load management program charge described in
98 section 16-245m, the renewable energy investment charge described in
99 section 16-245n, electric generation services, the competitive transition
100 assessment and the systems benefits charge, and excluding federally
101 mandated congestion costs, shall not exceed the base rates, as defined
102 in section 16-244a, in effect on December 31, 1996, excluding any rate
103 reduction ordered by the department on September 26, 2002.

104 (C) (i) Each electric distribution company shall, on or before January
105 1, 2004, file with the department an application for an amendment of
106 rates pursuant to section 16-19, which application shall include a four-
107 year plan for the provision of electric transmission and distribution
108 services. The department shall conduct a contested case proceeding
109 pursuant to sections 16-19 and 16-19e to approve, reject or modify the
110 application and plan. Upon the approval of such plan, as filed or as
111 modified by the department, the department shall order that such plan
112 shall establish the electric transmission and distribution services
113 component of the transitional standard offer.

114 (ii) Notwithstanding the provisions of this subparagraph, an electric

115 distribution company that, on or after September 1, 2002, completed a
116 proceeding pursuant to sections 16-19 and 16-19e, shall not be required
117 to file an application for an amendment of rates as required by this
118 subparagraph. The department shall establish the electric transmission
119 and distribution services component of the transitional standard offer
120 for any such company equal to the electric transmission and
121 distribution services component of the standard offer established
122 pursuant to subsection (a) of this section in effect on July 1, 2003, for
123 such company. If such electric distribution company applies to the
124 department, pursuant to section 16-19, for an amendment of its rates
125 on or before December 31, 2006, the application of the electric
126 distribution company shall include a four-year plan.

127 (D) The transitional standard offer (i) shall be adjusted to the extent
128 of any increase or decrease in state taxes attributable to sections 12-264
129 and 12-265 and any other increase or decrease in state or federal taxes
130 resulting from a change in state or federal law, (ii) shall be adjusted to
131 provide for the cost of contracts under subdivision (2) of subsection (j)
132 of this section and the administrative costs for the procurement of such
133 contracts, and (iii) shall continue to be adjusted during such period
134 pursuant to section 16-19b. Savings attributable to a reduction in taxes
135 shall not be shifted between customer classes. Notwithstanding the
136 provisions of section 16-19b, the provisions of section 16-19b shall
137 apply to electric distribution companies.

138 (E) The transitional standard offer may be adjusted, by an increase
139 or decrease, to the extent approved by the department, in the event
140 that (i) the revenue requirements of the company are affected as the
141 result of changes in (I) legislative enactments other than public act 03-
142 135 or public act 98-28, (II) administrative requirements, or (III)
143 accounting standards adopted after July 1, 2003, provided such
144 accounting standards are adopted by entities that are independent of
145 the company and have authority to issue such standards, or (ii) an
146 electric distribution company incurs extraordinary and unanticipated
147 expenses required for the provision of safe and reliable electric service
148 to the extent necessary to provide such service.

149 (3) The price provided in subdivision (2) of this subsection shall not
150 apply to customers who, on or after July 1, 2003, purchase electric
151 services from an electric company or electric distribution company, as
152 the case may be, under a special contract or flexible rate tariff,
153 provided the company's filed transitional standard offer tariffs shall
154 reflect that such customers shall not receive the transitional standard
155 offer price during the term of said contract or tariff.

156 (4) (A) In addition to its costs received pursuant to subsection (h) of
157 this section, as compensation for providing transitional standard offer
158 service, each electric distribution company shall receive an amount
159 equal to five-tenths of one mill per kilowatt hour. Revenues from such
160 compensation shall not be included in calculating the electric
161 distribution company's earnings for purposes of, or in determining
162 whether its rates are just and reasonable under, sections 16-19, 16-19a
163 and 16-19e, including an earnings sharing mechanism. In addition,
164 each electric distribution company may earn compensation for
165 mitigating the prices of the contracts for the provision of electric
166 generation services, as provided in subdivision (2) of this subsection.

167 (B) The department shall conduct a contested case proceeding
168 pursuant to the provisions of chapter 54 to establish an incentive plan
169 for the procurement of long-term contracts for transitional standard
170 offer service by an electric distribution company. The incentive plan
171 shall be based upon a comparison of the actual average firm full
172 requirements service contract price for electricity obtained by the
173 electric distribution company compared to the regional average firm
174 full requirements service contract price for electricity, adjusted for such
175 variables as the department deems appropriate, including, but not
176 limited to, differences in locational marginal pricing. If the actual
177 average firm full requirements service contract price obtained by the
178 electric distribution company is less than the actual regional average
179 firm full requirements service contract price for the previous year, the
180 department shall split five-tenths of one mill per kilowatt hour equally
181 between ratepayers and the company. Revenues from such incentive
182 plan shall not be included in calculating the electric distribution

183 company's earnings for purposes of, or in determining whether its
184 rates are just and reasonable under sections 16-19, 16-19a and 16-19e.
185 The department may, as it deems necessary, retain a third party entity
186 with expertise in energy procurement to assist with the development
187 of such incentive plan.

188 (c) (1) On and after January 1, 2007, each electric distribution
189 company shall provide electric generation services through standard
190 service to any customer who (A) does not arrange for or is not
191 receiving electric generation services from an electric supplier, and (B)
192 does not use a demand meter or has a maximum demand of less than
193 five hundred kilowatts.

194 (2) Not later than October 1, 2006, and periodically as required by
195 subdivision (3) of this subsection, but not more often than every
196 calendar quarter, the Department of Public Utility Control shall
197 establish the standard service price for such customers pursuant to
198 subdivision (3) of this subsection. Each electric distribution company
199 shall recover the actual net costs of procuring and providing electric
200 generation services pursuant to this subsection, provided such
201 company mitigates the costs it incurs for the procurement of electric
202 generation services for customers who are no longer receiving service
203 pursuant to this subsection.

204 (3) An electric distribution company providing electric generation
205 services pursuant to this subsection shall mitigate the variation of the
206 price of the service offered to its customers by procuring electric
207 generation services contracts in the manner prescribed in a plan
208 approved by the department. Such plan shall require the procurement
209 of a portfolio of service contracts sufficient to meet the projected load
210 of the electric distribution company. Such plan shall require that the
211 portfolio of service contracts be procured in an overlapping pattern of
212 fixed periods at such times and in such manner and duration as the
213 department determines to be most likely to produce just, reasonable
214 and reasonably stable retail rates while reflecting underlying
215 wholesale market prices over time. The portfolio of contracts shall be

assembled in such manner as to invite competition; guard against favoritism, improvidence, extravagance, fraud and corruption; and secure a reliable electricity supply while avoiding unusual, anomalous or excessive pricing. The portfolio of contracts procured under such plan shall be for terms of not less than six months, provided contracts for shorter periods may be procured under such conditions as the department shall prescribe to (A) ensure the lowest rates possible for end-use customers; (B) ensure reliable service under extraordinary circumstances; and (C) ensure the prudent management of the contract portfolio. An electric distribution company may receive a bid for an electric generation services contract from any of its generation entities or affiliates, provided such generation entity or affiliate submits its bid the business day preceding the first day on which an unaffiliated electric supplier may submit its bid and further provided the electric distribution company and the generation entity or affiliate are in compliance with the code of conduct established in section 16-244h.

(4) The department, in consultation with the Office of Consumer Counsel, shall retain the services of a third-party entity with expertise in the area of energy procurement to oversee the initial development of the request for proposals and the procurement of contracts by an electric distribution company for the provision of electric generation services offered pursuant to this subsection. Costs associated with the retention of such third-party entity shall be included in the cost of electric generation services that is included in such price.

(5) Each bidder for a standard service contract shall submit its bid to the electric distribution company and the third-party entity who shall jointly review the bids and submit an overview of all bids together with a joint recommendation to the department as to the preferred bidders. The department may, within ten business days of submission of the overview, reject the recommendation regarding preferred bidders. In the event that the department rejects the preferred bids, the electric distribution company and the third-party entity shall rebid the service pursuant to this subdivision.

249 (d) (1) Notwithstanding the provisions of this section regarding the
250 electric generation services component of the transitional standard
251 offer or the procurement of electric generation services under standard
252 service, section 16-244h or 16-245o, the Department of Public Utility
253 Control may, from time to time, direct an electric distribution company
254 to offer, through an electric supplier or electric suppliers, before
255 January 1, 2007, one or more alternative transitional standard offer
256 options or, on or after January 1, 2007, one or more alternative
257 standard service options. Such alternative options shall include, but
258 not be limited to, an option that consists of the provision of electric
259 generation services that exceed the renewable portfolio standards
260 established in section 16-245a and may include an option that utilizes
261 strategies or technologies that reduce the overall consumption of
262 electricity of the customer.

263 (2) (A) The department shall develop such alternative option or
264 options in a contested case conducted in accordance with the
265 provisions of chapter 54. The department shall determine the terms
266 and conditions of such alternative option or options, including, but not
267 limited to, (i) the minimum contract terms, including pricing, length
268 and termination of the contract, and (ii) the minimum percentage of
269 electricity derived from Class I or Class II renewable energy sources, if
270 applicable. The electric distribution company shall, under the
271 supervision of the department, subsequently conduct a bidding
272 process in order to solicit electric suppliers to provide such alternative
273 option or options.

274 (B) The department may reject some or all of the bids received
275 pursuant to the bidding process.

276 (3) The department may require an electric supplier to provide
277 forms of assurance to satisfy the department that the contracts
278 resulting from the bidding process will be fulfilled.

279 (4) An electric supplier who fails to fulfill its contractual obligations
280 resulting from this subdivision shall be subject to civil penalties, in
281 accordance with the provisions of section 16-41, or the suspension or

282 revocation of such supplier's license or a prohibition on the acceptance
283 of new customers, following a hearing that is conducted as a contested
284 case, in accordance with the provisions of chapter 54.

285 (e) (1) On and after January 1, 2007, an electric distribution company
286 shall serve customers that are not eligible to receive standard service
287 pursuant to subsection (c) of this section as the supplier of last resort.
288 This subsection shall not apply to customers purchasing power under
289 contracts entered into pursuant to section 16-19hh.

290 (2) An electric distribution company shall procure electricity at least
291 every calendar quarter to provide electric generation services to
292 customers pursuant to this subsection. The Department of Public
293 Utility Control shall determine a price for such customers that reflects
294 the full cost of providing the electricity on a monthly basis. Each
295 electric distribution company shall recover the actual net costs of
296 procuring and providing electric generation services pursuant to this
297 subsection, provided such company mitigates the costs it incurs for the
298 procurement of electric generation services for customers that are no
299 longer receiving service pursuant to this subsection.

300 (f) On and after January 1, 2000, and until such time the regional
301 independent system operator implements procedures for the provision
302 of back-up power to the satisfaction of the Department of Public Utility
303 Control, each electric distribution company shall provide electric
304 generation services to any customer who has entered into a service
305 contract with an electric supplier that fails to provide electric
306 generation services for reasons other than the customer's failure to pay
307 for such services. Between January 1, 2000, and December 31, 2006, an
308 electric distribution company may procure electric generation services
309 through a competitive bidding process or through any of its generation
310 entities or affiliates. On and after January 1, 2007, such company shall
311 procure electric generation services through a competitive bidding
312 process pursuant to a plan submitted by the electric distribution
313 company and approved by the department. Such company may
314 procure electric generation services through any of its generation

entities or affiliates, provided such entity or affiliate is the lowest qualified bidder and provided further any such entity or affiliate is licensed pursuant to section 16-245, as amended by this act.

(g) An electric distribution company is not required to be licensed pursuant to section 16-245, as amended by this act, to provide standard offer electric generation services in accordance with subsection (a) of this section, transitional standard offer service pursuant to subsection (b) of this section, standard service pursuant to subsection (c) of this section, supplier of last resort service pursuant to subsection (e) of this section or back-up electric generation service pursuant to subsection (f) of this section.

(h) The electric distribution company shall be entitled to recover reasonable costs incurred as a result of providing standard offer electric generation services pursuant to the provisions of subsection (a) of this section, transitional standard offer service pursuant to subsection (b) of this section, standard service pursuant to subsection (c) of this section or back-up electric generation service pursuant to subsection (f) of this section. The provisions of this section and section 16-244a shall satisfy the requirements of section 16-19a until January 1, 2007.

(i) The Department of Public Utility Control shall establish, by regulations adopted pursuant to chapter 54, procedures for when and how a customer is notified that his electric supplier has defaulted and of the need for the customer to choose a new electric supplier within a reasonable period of time.

(j) (1) Notwithstanding the provisions of subsection (d) of this section regarding an alternative transitional standard offer option or an alternative standard service option, an electric distribution company providing transitional standard offer service, standard service, supplier of last resort service or back-up electric generation service in accordance with this section shall contract with its wholesale suppliers to comply with the renewable portfolio standards. The Department of Public Utility Control shall annually conduct a

contested case, in accordance with the provisions of chapter 54, in order to determine whether the electric distribution company's wholesale suppliers met the renewable portfolio standards during the preceding year. An electric distribution company shall include a provision in its contract with each wholesale supplier that requires the wholesale supplier to pay the electric distribution company an amount of five and one-half cents per kilowatt hour if the wholesale supplier fails to comply with the renewable portfolio standards during the subject annual period. The electric distribution company shall promptly transfer any payment received from the wholesale supplier for the failure to meet the renewable portfolio standards to the Renewable Energy Investment Fund for the development of Class I renewable energy sources. Any payment made pursuant to this section shall not be considered revenue or income to the electric distribution company.

(2) Notwithstanding the provisions of subsection (d) of this section regarding an alternative transitional standard offer option or an alternative standard service option, an electric distribution company providing transitional standard offer service, standard service, supplier of last resort service or back-up electric generation service in accordance with this section shall, not later than July 1, 2008, file with the Department of Public Utility Control for its approval one or more long-term power purchase contracts from Class I renewable energy source projects that receive funding from the Renewable Energy Investment Fund and that are not less than one megawatt in size, at a price that is either, at the determination of the project owner, (A) not more than the total of the comparable wholesale market price for generation plus five and one-half cents per kilowatt hour, or (B) fifty per cent of the wholesale market electricity cost at the point at which transmission lines intersect with each other or interface with the distribution system, plus the project cost of fuel indexed to natural gas futures contracts on the New York Mercantile Exchange at the natural gas pipeline interchange located in Vermillion Parish, Louisiana that serves as the delivery point for such futures contracts, plus the fuel delivery charge for transporting fuel to the project, plus five and one-

383 half cents per kilowatt hour. In its approval of such contracts, the
384 department shall give preference to purchase contracts from those
385 projects that would provide a financial benefit to ratepayers or would
386 enhance the reliability of the electric transmission system of the state.
387 Such projects shall be located in this state. The owner of a fuel cell
388 project principally manufactured in this state shall be allocated all
389 available air emissions credits and tax credits attributable to the project
390 and no less than fifty per cent of the energy credits in the Class I
391 renewable energy credits program established in section 16-245a
392 attributable to the project. On and after October 1, 2007, and until
393 September 30, 2008, such contracts shall be comprised of not less than a
394 total, apportioned among each electric distribution company, of one
395 hundred twenty-five megawatts; and on and after October 1, 2008,
396 such contracts shall be comprised of not less than a total, apportioned
397 among each electrical distribution company, of one hundred fifty
398 megawatts. The cost of such contracts and the administrative costs for
399 the procurement of such contracts directly incurred shall be eligible for
400 inclusion in the adjustment to the transitional standard offer as
401 provided in this section and any subsequent rates for standard service,
402 provided such contracts are for a period of time sufficient to provide
403 financing for such projects, but not less than ten years, and are for
404 projects which began operation on or after July 1, 2003. Except as
405 provided in this subdivision, the amount from Class I renewable
406 energy sources contracted under such contracts shall be applied to
407 reduce the applicable Class I renewable energy source portfolio
408 standards. For purposes of this subdivision, the department's
409 determination of the comparable wholesale market price for
410 generation shall be based upon a reasonable estimate. On or before
411 September 1, 2007, the department, in consultation with the Office of
412 Consumer Counsel and the Renewable Energy Investments Advisory
413 Council, shall study the operation of such renewable energy contracts
414 and report its findings and recommendations to the joint standing
415 committee of the General Assembly having cognizance of matters
416 relating to energy.

417 **[**(k) (1) As used in this section:

418 (A) "Participating electric supplier" means an electric supplier that is
419 licensed by the department to provide electric service, pursuant to this
420 subsection, to residential or small commercial customers.

421 (B) "Residential customer" means a customer who is eligible for
422 standard service and who takes electric distribution-related service
423 from an electric distribution company pursuant to a residential tariff.

424 (C) "Small commercial customer" means a customer who is eligible
425 for standard service and who takes electric distribution-related service
426 from an electric distribution company pursuant to a small commercial
427 tariff.

428 (D) "Qualifying electric offer" means an offer to provide full
429 requirements commodity electric service and all other generation-
430 related service to a residential or small commercial customer at a fixed
431 price per kilowatt hour for a term of no less than one year.

432 (2) In the manner determined by the department, residential or
433 small commercial service customers (A) initiating new utility service,
434 (B) reinitiating service following a change of residence or business
435 location, (C) making an inquiry regarding their utility rates, or (D)
436 seeking information regarding energy efficiency shall be offered the
437 option to learn about their ability to enroll with a participating electric
438 supplier. Customers expressing an interest to learn about their electric
439 supply options shall be informed of the qualifying electric offers then
440 available from participating electric suppliers. The electric distribution
441 companies shall describe then available qualifying electric offers
442 through a method reviewed and approved by the department. The
443 information conveyed to customers expressing an interest to learn
444 about their electric supply options shall include, at a minimum, the
445 price and term of the available electric supply option. Customers
446 expressing an interest in a particular qualifying electric offer shall be
447 immediately transferred to a call center operated by that participating
448 electric supplier.

449 (3) Not later than September 1, 2007, the department shall establish

450 terms and conditions under which a participating electric supplier can
451 be included in the referral program described in subdivision (2) of this
452 subsection. Such terms shall include, but not be limited to, requiring
453 participating electrical suppliers to offer time-of-use and real-time use
454 rates to residential customers.

455 (4) Each calendar quarter, participating electric suppliers shall be
456 allowed to list qualifying offers to provide electric generation service
457 to residential and small commercial customers with each customer's
458 utility bill. The department shall determine the manner such
459 information is presented in customers' utility bills.

460 (5) Any customer that receives electric generation service from a
461 participating electric supplier may return to standard service or may
462 choose another participating electric supplier at any time, including
463 during the qualifying electric offer, without the imposition of any
464 additional charges. Any customer that is receiving electric generation
465 service from an electric distribution company pursuant to standard
466 service can switch to another participating electric supplier at any time
467 without the imposition of additional charges.

468 (l) Each electric distribution company shall offer to bill customers on
469 behalf of participating electric suppliers and to pay such suppliers in a
470 timely manner the amounts due such suppliers from customers for
471 generation services, less a percentage of such amounts that reflects
472 uncollectible bills and overdue payments as approved by the
473 Department of Public Utility Control.

474 (m) On or before July 1, 2007, the Department of Public Utility
475 Control shall initiate a proceeding to examine whether electric supplier
476 bills rendered pursuant to section 16-245d and any regulations
477 adopted thereunder sufficiently enable customers to compare pricing
478 policies and charges among electric suppliers.**]**

479 **[**(n)**]** (k) Nothing in the provisions of this section shall preclude an
480 electric distribution company from entering into standard service
481 supply contracts or standard service supply components with electric

482 generating facilities.

483 Sec. 2. Subsection (b) of section 16a-47a of the general statutes is
484 repealed and the following is substituted in lieu thereof (*Effective July*
485 *1, 2010*):

486 (b) The goals of the campaign established pursuant to subsection (a)
487 of this section shall include, but not be limited to, educating electric
488 consumers regarding (1) the benefits of pursuing strategies that
489 increase energy efficiency, including information on the Connecticut
490 electric efficiency partner program established pursuant to section 16a-
491 46e and combined heat and power technologies, and (2) the real-time
492 energy reports prepared pursuant to section 16a-47d and the real-time
493 energy alert system prepared pursuant to section 61 of public act 07-
494 242. **[**and (3) the option of choosing participating electric suppliers, as
495 defined in subsection (k) of section 16-244c.**]**

496 Sec. 3. Subdivision (30) of subsection (a) of section 16-1 of the
497 general statutes is repealed and the following is substituted in lieu
498 thereof (*Effective from passage*):

499 (30) "Electric supplier" means any person **[**, including an electric
500 aggregator**]** or participating municipal electric utility that is licensed
501 by the Department of Public Utility Control in accordance with section
502 16-245, **[**that**]** as amended by this act, and provides electric generation
503 services to end use customers in the state using the transmission or
504 distribution facilities of an electric distribution company, regardless of
505 whether or not such person takes title to such generation services, but
506 does not include: (A) A municipal electric utility established under
507 chapter 101, other than a participating municipal electric utility; (B) a
508 municipal electric energy cooperative established under chapter 101a;
509 (C) an electric cooperative established under chapter 597; (D) any other
510 electric utility owned, leased, maintained, operated, managed or
511 controlled by any unit of local government under any general statute
512 or special act; or (E) an electric distribution company in its provision of
513 electric generation services in accordance with subsection (a) or, prior
514 to January 1, 2004, subsection (c) of section 16-244c, as amended by this

act.

Sec. 4. Subdivision (31) of subsection (a) of section 16-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(31) "Electric aggregator" means **[**(A) a person, municipality or regional water authority that**]** any person, municipality or regional water authority or the Connecticut Resource Recovery Authority, if such entity gathers together electric customers for the purpose of negotiating the purchase of electric generation services from an electric supplier, **[**or (B) the Connecticut Resources Recovery Authority, if it gathers together electric customers for the purpose of negotiating the purchase of electric generation services from an electric supplier,**]** provided such **[**person, municipality or authority**]** entity is not engaged in the purchase or resale of electric generation services, and provided further such customers contract for electric generation services directly with an electric supplier, and may include an electric cooperative established pursuant to chapter 597.

Sec. 5. Subsection (a) of section 16-1 of the 2010 supplement to the general statutes is amended by adding subdivision (52) as follows (*Effective from passage*):

(NEW) (52) "Electric broker" means any person, municipality or regional water authority, electric cooperative established pursuant to chapter 597 or the Connecticut Resources Recovery Authority, if such entity arranges or acts as an agent, negotiator or intermediary in the sale or purchase of electric generation services between any end-use customer in the state and any electric supplier, but does not take title to any of the generation services sold.

Sec. 6. Subsection (l) of section 16-245 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(l) (1) An electric aggregator or electric broker shall not be subject to

the provisions of subsections (a) to (k), inclusive, of this section.

(2) No electric aggregator or electric broker shall arrange or negotiate a contract for the purchase of electric generation services from an electric supplier unless such aggregator or electric broker has [(A)] obtained a certificate of registration from the Department of Public Utility Control in accordance with this subsection. [, or (B) in the case of a municipality, regional water authority and the Connecticut Resources Recovery Authority, registered in accordance with section 16-245b.] An electric aggregator that was licensed pursuant to this section prior to July 1, 2003, shall receive a certificate of registration on July 1, 2003. An entity that has been issued an electric supplier license by the Department of Public Utility Control pursuant to subsections (a) to (k), inclusive, of this section may act as an electric aggregator or electric broker without having to obtain a certificate of registration in accordance with this subsection.

(3) An application for a certificate of registration shall be filed with the department, accompanied by a fee as determined by the department. The application shall contain such information as the department may deem relevant, including, but not limited to, the following: (A) The address of the applicant's headquarters and the articles of incorporation, if applicable, as filed with the state in which the applicant is incorporated; (B) the address of the applicant's principal office in the state, if any, or the address of the applicant's agent for service in the state; (C) the toll-free or in-state telephone number of the applicant; (D) information about the applicant's corporate structure, if applicable, including [financial names and financial statements, as relevant, concerning] names and background information of corporate affiliates; (E) disclosure of whether the applicant or any of the applicant's corporate affiliates or officers, if applicable, have been or are currently under investigation for violation of any consumer protection law or regulation to which it is subject, either in this state or in another state. Each registered electric aggregator or electric broker shall update the information contained in this subdivision as necessary.

(4) Not more than thirty days after receiving an application for a certificate of registration, the department shall notify the applicant whether the application is complete or whether the applicant must submit additional information. The department shall grant or deny the application for a certificate of registration not more than ninety days after receiving all information required of an applicant. The department shall hold a public hearing on an application upon the request of any interested party.

(5) As a condition for maintaining a certificate of registration, the registered electric aggregator or electric broker shall ensure that, where applicable, it complies with the National Labor Relations Act and regulations, if applicable, and it complies with the Connecticut Unfair Trade Practices Act and applicable regulations.

(6) Any registered electric aggregator or electric broker that fails to comply with a registration condition or violates any provision of this section shall be subject to civil penalties by the Department of Public Utility Control in accordance with the procedures contained in section 16-41, or the suspension or revocation of such registration, or a prohibition on accepting new customers following a hearing that is conducted as a contested case in accordance with the provisions of chapter 54.

Sec. 7. Section 16-245b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding the provisions of subsection (a) of section 16-245, the provisions of said section shall not apply to (1) any municipality or regional water authority that aggregates or brokers the sale of electric generation services, or to the Connecticut Resources Recovery Authority if such authority aggregates or brokers the sale of electric generation services, for end use customers located within the boundaries of such municipality or regional water authority, (2) any municipality that joins together with other municipalities to aggregate or broker the sale of electric generation services for end use customers located within the boundaries of such municipalities, or (3) any

613 municipality or regional water authority that aggregates or brokers the
614 purchase of electric generation services for municipal facilities, street
615 lighting, boards of education and other publicly-owned facilities
616 within (A) the municipality for which the municipality is financially
617 responsible, or (B) the municipalities that are within the authorized
618 service area of the regional water authority. Any municipality or
619 regional water authority that aggregates or brokers in accordance with
620 this section shall register not less than annually with the Department
621 of Public Utility Control on a form prescribed by the department.

622 Sec. 8. Subsection (b) of section 16-245p of the general statutes is
623 repealed and the following is substituted in lieu thereof (*Effective from*
624 *passage*):

625 (b) The Department of Public Utility Control shall maintain and
626 make available to customers upon request, a list of electric aggregators
627 and electric brokers and the following information about each electric
628 supplier and each electric distribution company providing standard
629 service or back-up electric generation service, pursuant to section 16-
630 244c, as amended by this act: (1) Rates and charges; (2) applicable
631 terms and conditions of a contract for electric generation services; (3)
632 the percentage of the total electric output derived from each of the
633 categories of energy sources provided in subsection (e) of section 16-
634 244d, the total emission rates of nitrogen oxides, sulfur oxides, carbon
635 dioxide, carbon monoxide, particulates, heavy metals and other wastes
636 the disposal of which is regulated under state or federal law at the
637 facilities operated by or under long-term contract to the electric
638 supplier or providing electric generation services to an electric
639 distribution company providing standard service or back-up electric
640 generation service, pursuant to section 16-244c, as amended by this act,
641 and the analysis of the environmental characteristics of each such
642 category of energy source prepared pursuant to subsection (e) of **[**said**]**
643 section 16-244d and to the extent such information is unknown, the
644 estimated percentage of the total electric output for which such
645 information is unknown, along with the word "unknown" for that
646 percentage; (4) a record of customer complaints and the disposition of

each complaint; and (5) any other information the department determines will assist customers in making informed decisions when choosing an electric supplier. The department shall make available to customers the information filed pursuant to subsection (a) of this section not later than thirty days after its receipt. The department shall put such information in a standard format so that a customer can readily understand and compare the services provided by each electric supplier.

Sec. 9. Subdivision (19) of subsection (a) of section 22a-266 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(19) Act as an electric supplier, **[**or**]** an electric aggregator pursuant to public act 98-28 or an electric broker provided any net revenue to the authority from activities, contracts, products or processes undertaken pursuant to this subdivision, after payment of principal and interest on bonds and repayment of any loans or notes of the authority, shall be distributed so as to reduce the costs of other authority services to the users thereof on a pro rata basis proportionate to costs paid by such users. In acting as an electric supplier, **[**or an**]** electric aggregator or electric broker pursuant to any license granted by the Department of Public Utility Control, the authority may enter into contracts for the purchase and sale of electricity and electric generation services, provided such contracts are solely for the purposes of ensuring the provision of safe and reliable electric service and protecting the position of the authority with respect to capacity and price.

Sec. 10. Subsection (c) of section 7-148ee of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) No corporation established pursuant to subsection (a) of this section shall engage in the manufacture, distribution, purchase or sale, or any combination thereof, of electricity, gas or water outside the service area of such municipal electric or gas utility or within its

service area if it encroaches upon the service area or franchise area of another water or gas utility. Nothing in this section shall be construed to permit any municipal electric utility to engage in the sale, [or] aggregation or brokering of electric generation services other than pursuant to section 16-245, as amended by this act.

Sec. 11. Subsection (b) of section 33-219 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding the provisions of subsection (a) of this section, cooperative, nonprofit, membership corporations may be organized under this chapter for the purpose of generating electric energy by means of cogeneration technology, renewable energy resources or both and supplying it to any member or supplying it to, purchasing it from or exchanging it with a public service company, electric supplier, [as defined in section 16-1,] municipal aggregator, [as defined in said section,] or electric broker, all as defined in section 16-1, as amended by this act, or a municipal utility or municipal electric energy cooperative, in accordance with an agreement with the company, electric supplier, electric aggregator, electric broker, municipal utility or cooperative. No membership corporation under this subsection may exercise those powers contained in subsection (i) or (j) of section 33-221 unless the prior approval of the Department of Public Utility Control is obtained, after opportunity for hearing in accordance with title 16 and chapter 54. Any cooperative organized on or after July 1, 1998, pursuant to this subsection shall collect from its members the competitive transition assessment levied pursuant to section 16-245g and the systems benefits charge levied pursuant to section 16-245*l* in such manner and at such rate as the Department of Public Utility Control prescribes, provided the department shall order the collection of said assessment and said charge in a manner and rate equal to that to which the members of the cooperative would have been subject had the cooperative not been organized.

Sec. 12. Section 16-245d of the general statutes is repealed and the

713 following is substituted in lieu thereof (*Effective July 1, 2010*):

714 (a) The Department of Public Utility Control shall, by regulations
715 adopted pursuant to chapter 54, develop a standard billing format that
716 enables customers to compare pricing policies and charges among
717 electric suppliers. **[**Not later than January 1, 2006, the**]** The department
718 shall adopt regulations, in accordance with the provisions of chapter
719 54, to provide that an electric supplier, until October 1, 2010, may
720 provide direct billing and collection services for electric generation
721 services and related federally mandated congestion charges that such
722 supplier provides to its customers **[**that have**]** with a maximum
723 demand of not less than one hundred kilowatts **[**and**]** that choose to
724 receive a bill directly from such supplier and, on and after October 1,
725 2010, shall provide direct billing and collection services for electric
726 generation services and related federally mandated congestion charges
727 that such suppliers provide to their customers or may choose to
728 reimburse the electric distribution company for providing such billing
729 and collection services.

730 (1) An electric supplier that chooses to provide billing and collection
731 services shall, in accordance with the billing format developed by the
732 department, include the following information in each customer's bill:
733 (A) The total amount owed by the customer, which shall be itemized to
734 show (i) the electric generation services component and any additional
735 charges imposed by the electric supplier, and (ii) federally mandated
736 congestion charges applicable to the generation services; (B) any
737 unpaid amounts from previous bills, which shall be listed separately
738 from current charges; (C) the rate and usage for the current month and
739 each of the previous twelve months in bar graph form or other visual
740 format; (D) the payment due date; (E) the interest rate applicable to
741 any unpaid amount; (F) the toll-free telephone number of the
742 Department of Public Utility Control for questions or complaints; and
743 (G) the toll-free telephone number and address of the electric supplier.

744 (2) An **[**electric company,**]** electric distribution company **[**or electric
745 supplier that provides direct billing of the electric generation service

746 component and related federally mandated congestion charges, as the
747 case may be,] shall, in accordance with the billing format developed by
748 the department, include the following information in each customer's
749 bill: [, as appropriate: (1)] (A) The total amount owed by the customer,
750 which shall be itemized to show, [(A)] (i) the electric generation
751 services component [and any additional charges imposed by the
752 electric supplier, if applicable, (B)] if the customer obtains standard
753 service or last resort service from the electric distribution company, (ii)
754 the distribution charge, including all applicable taxes and the systems
755 benefits charge, as provided in section 16-245*l*, [(C)] (iii) the
756 transmission rate as adjusted pursuant to subsection (d) of section 16-
757 19b, [(D)] (iv) the competitive transition assessment, as provided in
758 section 16-245g, [(E)] (v) federally mandated congestion charges, and
759 [(F)] (vi) the conservation and renewable energy charge, consisting of
760 the conservation and load management program charge, as provided
761 in section 16-245m, and the renewable energy investment charge, as
762 provided in section 16-245n; [(2)] (B) any unpaid amounts from
763 previous bills which shall be listed separately from current charges;
764 [(3)] (C) except for customers subject to a demand charge, the rate and
765 usage for the current month and each of the previous twelve months in
766 the form of a bar graph or other visual form; [(4)] (D) the payment due
767 date; [(5)] (E) the interest rate applicable to any unpaid amount; [(6)]
768 (F) the toll-free telephone number of the electric distribution company
769 to report power losses; [(7)] (G) the toll-free telephone number of the
770 Department of Public Utility Control for questions or complaints; [(8)
771 the toll-free telephone number and address of the electric supplier; and
772 (9)] and (H) if a customer has a demand of five hundred kilowatts or
773 more during the preceding twelve months, a statement about the
774 availability of information concerning electric suppliers pursuant to
775 section 16-245p, as amended by this act.

776 (b) The regulations shall provide guidelines for determining until
777 October 1, 2010, the billing relationship between the electric
778 distribution company and electric suppliers, including, but not limited
779 to, the allocation of partial bill payments and late payments between
780 the electric distribution company and the electric supplier. An electric

781 distribution company that provides billing services for an electric
782 supplier shall be entitled to recover from the electric supplier all
783 reasonable transaction costs to provide such billing services as well as
784 a reasonable rate of return, in accordance with the principles in
785 subsection (a) of section 16-19e.

786 Sec. 13. Section 16-245o of the general statutes is repealed and the
787 following is substituted in lieu thereof (*Effective July 1, 2010*):

788 (a) To protect a customer's right to privacy from unwanted
789 solicitation, each electric company or electric distribution company, as
790 the case may be, shall distribute to each customer a form approved by
791 the Department of Public Utility Control which the customer shall
792 submit to the customer's electric or electric distribution company in a
793 timely manner if the customer does not want the customer's name,
794 address, telephone number and rate class to be released to electric
795 suppliers. On and after July 1, 1999, each electric or electric distribution
796 company, as the case may be, shall make available to all electric
797 suppliers customer names, addresses, telephone numbers, if known,
798 and rate class, unless the electric company or electric distribution
799 company has received a form from a customer requesting that such
800 information not be released. Additional information about a customer
801 for marketing purposes shall not be released to any electric supplier
802 unless a customer consents to a release by one of the following: (1) An
803 independent third-party telephone verification; (2) receipt of a written
804 confirmation received in the mail from the customer after the customer
805 has received an information package confirming any telephone
806 agreement; (3) the customer signs a document fully explaining the
807 nature and effect of the release; or (4) the customer's consent is
808 obtained through electronic means, including, but not limited to, a
809 computer transaction.

810 (b) All electric suppliers shall have equal access to customer
811 information required to be disclosed under subsection (a) of this
812 section. No electric supplier shall have preferential access to historical
813 distribution company customer usage data.

(c) No electric or electric distribution company shall include in any bill or bill insert anything that directly or indirectly promotes a generation entity or affiliate of the electric distribution company. No electric supplier shall include a bill insert in an electric bill of an electric distribution company.

(d) All marketing information provided pursuant to the provisions of this section shall be formatted electronically by the electric company or electric distribution company, as the case may be, in a form that is readily usable by standard commercial software packages. Updated lists shall be made available within a reasonable time, as determined by the department, following a request by an electric supplier. Each electric supplier seeking the information shall pay a fee to the electric company or electric distribution company, as the case may be, which reflects the incremental costs of formatting, sorting and distributing this information, together with related software changes. Customers shall be entitled to any available individual information about their loads or usage at no cost.

(e) Each electric supplier shall, prior to the initiation of electric generation services, provide the potential customer with a written notice describing the rates, information on air emissions and resource mix of generation facilities operated by and under long-term contract to the supplier, terms and conditions of the service, and a notice describing the customer's right to cancel the service, as provided in this section. No electric supplier shall provide electric generation services unless the customer has signed a service contract or consents to such services by one of the following: (1) An independent third-party telephone verification <u>after receipt by the customer of a written contract that conforms with the provisions of this section</u>; (2) receipt of a written confirmation received in the mail from the customer after the customer has received an information package confirming any telephone agreement; (3) the customer signs a **[**document fully explaining the nature and effect of the initiation of the service**]** <u>written contract that conforms with the provisions of this section</u>; or (4) the customer's consent is obtained through electronic means, including,

848 but not limited to, a computer transaction after receipt by the customer
849 of a written contract that conforms with the provisions of this section.
850 Each electric supplier shall maintain records of such signed service
851 contract or consent to service for a period of not less than two years
852 from the date of expiration of such contract, which records shall be
853 provided to the department or the customer upon request. Each
854 contract for electric generation services shall contain all material terms
855 of the agreement, a clear and conspicuous statement explaining the
856 rates that such customer will be paying, including the circumstances
857 under which the rates may change, how those rates compare with the
858 customer's current electric generation services costs and how long
859 those rates are guaranteed. Such contract shall also include a clear and
860 conspicuous statement providing the customer's right to cancel such
861 contract within three days of signature or receipt in accordance with
862 the provisions of this subsection, describing under what
863 circumstances, if any, the supplier may terminate the contract and
864 describing any penalty for early termination of such contract. Each
865 contract shall be signed by the customer, or otherwise agreed to in
866 accordance with the provisions of this subsection, and signed by a
867 legally authorized representative of the supplier. A customer [who has
868 a maximum demand of five hundred kilowatts or less] shall, until
869 midnight of the third business day after the latter of the day on which
870 the customer enters into a service agreement or the day on which the
871 customer receives the written notice from the electric supplier as
872 provided in this section, have the right to cancel a contract for electric
873 generation services entered into with an electric supplier.

874 [(f) An electric supplier shall not advertise or disclose the price of
875 electricity in such a manner as to mislead a reasonable person into
876 believing that the electric generation services portion of the bill will be
877 the total bill amount for the delivery of electricity to the customer's
878 location. When advertising or disclosing the price for electricity, the
879 electric supplier shall also disclose the electric distribution company's
880 average current charges, including the competitive transition
881 assessment and the systems benefits charge, for that customer class.]

882 (f) (1) Any third-party agent who contracts with or is otherwise
883 compensated by an electric supplier to sell residential or commercial
884 electric generation services shall be a legal agent of the electric
885 supplier.

886 (2) On or after July 1, 2010, all sales and solicitations of electric
887 generation services by an electric supplier, aggregator or agent of an
888 electric supplier or aggregator conducted and consummated entirely
889 by mail, door-to-door sale, telephone or other electronic means, during
890 a scheduled appointment at the premises of a customer or at a fair,
891 trade or business show, convention or exposition in addition to
892 complying with the provisions of subsection (e) of this section shall:

893 (A) For any sale or solicitation, including from any person
894 representing such electric supplier, aggregator or agent of an electric
895 supplier or aggregator (i) identify the person and the electric
896 generation services company or companies the person represents; (ii)
897 provide a statement that the person does not represent an electric
898 distribution company; (iii) explain the purpose of the solicitation; and
899 (iv) explain all rates, fees, variable charges and terms and conditions
900 for the services provided; and

901 (B) For door-to-door sales, which shall include the sale of electric
902 generation services in which the electric supplier, aggregator or agent
903 of an electric supplier or aggregator solicits the sale and receives the
904 customer's agreement or offer to purchase at a place other than the
905 seller's place of business, be conducted (i) in accordance with any
906 municipal and local ordinances regarding door-to-door solicitations,
907 (ii) between the hours of ten o'clock a.m. and six o'clock p.m., and (iii)
908 with both Spanish and English written materials available. Any
909 representative of an electric supplier, aggregator or agent of an electric
910 supplier or aggregator shall prominently display or wear a photo
911 identification badge stating the name of such person's employer or the
912 electric supplier the person represents. Each such supplier, aggregator
913 or agent shall conduct a criminal background check on each person
914 such entity employs to conduct such door-to-door sales and no one

915 who has been convicted of a felony or a misdemeanor involving
916 robbery, theft, misrepresentation or any other similar crime shall be
917 employed to conduct such sales.

918 (3) No electric supplier, aggregator or agent of an electric supplier
919 or aggregator shall advertise or disclose the price of electricity to
920 mislead a reasonable person into believing that the electric generation
921 services portion of the bill will be the total bill amount for the delivery
922 of electricity to the customer's location. When advertising or disclosing
923 the price for electricity, the electric supplier, aggregator or agent of an
924 electric supplier or aggregator shall also disclose the electric
925 distribution company's current charges, including the competitive
926 transition assessment and the systems benefits charge, for that
927 customer class.

928 (4) No entity, including an aggregator or agent of an electric
929 supplier or aggregator, who sells or offers for sale any electric
930 generation services for or on behalf of an electric supplier, shall engage
931 in any deceptive acts or practices in the marketing, sale or solicitation
932 of electric generation services.

933 (5) Each electric supplier shall disclose in a standardized format (A)
934 the amount of additional renewable energy credits such supplier will
935 purchase beyond required credits, (B) where such additional credits
936 are being sourced from, and (C) the types of renewable energy sources
937 that will be purchased. Each electric supplier shall only advertise
938 renewable energy credits purchased beyond those required pursuant
939 to section 16-245a and shall report to the department the renewable
940 energy sources of such credits and whenever the mix of such sources
941 changes.

942 (6) Each contract for electric generation services by an electric
943 supplier shall be signed by a registered electricity broker or
944 representative and the customer and shall include (A) clear and
945 conspicuous notice of the price for electricity, (B) the circumstances
946 under which that price may change, (C) the length of the contract, (D)
947 the circumstances under which either the supplier or the consumer

948 may terminate the contract, and (E) any other material terms of the
949 agreement.

950 (7) No contract for electric generation services by an electric supplier
951 shall require a residential customer to pay any fee for termination or
952 early cancellation of a contract in excess of (A) one hundred dollars; or
953 (B) twice the estimated bill for energy services for an average month,
954 whichever is less, provided when an electric supplier offers a contract,
955 it provides the residential customer an estimate of such customer's
956 average monthly bill.

957 (8) An electric supplier shall not make a material change in the
958 terms or duration of any contract for the provision of electric
959 generation services by an electric supplier without the express consent
960 of the customer. Nothing in this subdivision shall restrict an electric
961 supplier from renewing a contract by clearly informing the customer in
962 writing, not less than thirty days nor more than sixty days before the
963 renewal date, of the renewal terms and of the option not to accept the
964 renewal offer, provided no fee pursuant to subdivision (7) of this
965 section shall be charged to a customer who terminates or cancels such
966 renewal not later than seven business days after receiving the first
967 billing statement for the renewed contract.

968 (g) Each electric supplier, aggregator or agent of an electric supplier
969 or aggregator shall comply with the provisions of the telemarketing
970 regulations adopted pursuant to 15 USC 6102.

971 (h) Any violation of this section shall be deemed an unfair or
972 deceptive trade practice under subsection (a) of section 42-110b. Any
973 contract for electric generation services that the department finds to be
974 the product of unfair or deceptive marketing practices or in violation
975 of any of the provisions of this section shall be void and unenforceable.
976 Any waiver of the provisions of this section by a customer of electric
977 generation services shall be deemed void and unenforceable by the
978 electric supplier.

979 (i) Any violation or failure to comply with any provision of this

980 section shall be subject to (1) civil penalties by the department in
981 accordance with section 16-41, (2) the suspension or revocation of an
982 electric supplier or aggregator's license, or (3) a prohibition on
983 accepting new customers following a hearing that is conducted as a
984 contested case in accordance with chapter 54.

985 (j) The department may adopt regulations, in accordance with the
986 provisions of chapter 54, to include, but not be limited to, abusive
987 switching practices, solicitations and renewals by electric suppliers.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2010*	16-244c
Sec. 2	*July 1, 2010*	16a-47a(b)
Sec. 3	*from passage*	16-1(a)(30)
Sec. 4	*from passage*	16-1(a)(31)
Sec. 5	*from passage*	16-1(a)
Sec. 6	*from passage*	16-245(l)
Sec. 7	*from passage*	16-245b
Sec. 8	*from passage*	16-245p(b)
Sec. 9	*from passage*	22a-266(a)(19)
Sec. 10	*from passage*	7-148ee(c)
Sec. 11	*from passage*	33-219(b)
Sec. 12	*July 1, 2010*	16-245d
Sec. 13	*July 1, 2010*	16-245o

Statement of Legislative Commissioners:
In section 9, "or an electric broker" was moved after "public act 98-28", and in section 11, "all as defined in section 16-1, as amended by this act," was moved after "or electric broker" for accuracy.

ET *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 $	FY 12 $
Public Utility Control, Dept.	CC&PUCF - Potential Revenue Gain	Minimal	Minimal

Note: CC&PUCF=Consumer Counsel and Public Utility Control Fund

Municipal Impact: None

Explanation

The bill results in a potential revenue gain by allowing the Department of Public Utility Control to impose civil penalties of up to $10,000 to electric suppliers and aggregators who violate the code of conduct. Since the code of conduct does not currently exist (it is established in the bill), it is uncertain at this time how many such civil penalties will be imposed.

The Out Years

The annualized ongoing fiscal impact identified above would remain constant into the future since the fine amount is set by statute.

OLR Bill Analysis
sHB 5507

AN ACT CONCERNING CONSUMER PROTECTIONS IN THE RETAIL ELECTRICITY MARKET.

SUMMARY:

This bill establishes a code of conduct for competitive electric suppliers and aggregators (entities that group customers together to make them more attractive to suppliers) and their agents. Among other things, these provisions impose rules governing sales and solicitations for generation services (i.e., sales of power). It imposes additional notice requirements on suppliers regarding the renewable energy they provide and specifies the contents of contracts for these services. It bars a supplier from making a material change in a contract's terms or duration without the customer's express consent. It extends a customer's right to rescind a contract with a supplier. It allows the Department of Public Utility Control (DPUC) to impose civil penalties and other sanctions for violating of these provisions.

The bill modifies the information that electric companies and competitive suppliers must include in their bills. It requires suppliers that do not provide direct billing and collection services for their customers to pay the electric company that provides these services on their behalf.

The bill requires electric brokers to register with DPUC to arrange for the purchase of generation services from suppliers.

The bill eliminates the requirement that electric companies provide information to their residential and small commercial customers, on request, about introductory offers from competitive suppliers and makes related changes.

The bill makes minor and technical changes.

EFFECTIVE DATE: Upon passage, other than the code of conduct and billing provisions and the repeal of the requirement that electric companies provide information on suppliers, which are effective July 1, 2010.

CODE OF CONDUCT

Sales Solicitations

The bill imposes rules, starting July 1, 2010, governing all sales and solicitations of generation services by a supplier, aggregator, or its agent that are conducted and consummated entirely by mail, door-to-door sale, telephone or other electronic means, during a scheduled appointment at the premises of a customer or at a fair, trade or business show, convention, or exposition. The bill requires that any third-party agent who contracts with or is otherwise compensated by a supplier to sell residential or commercial electric generation services be a legal agent of the supplier.

Any sale or solicitation, including from any person representing the supplier, aggregator, or agent must (1) identify the salesperson and the generation services company or companies he or she represents; (2) include a statement that they do not represent an electric company; (3) explain the purpose of the solicitation and all rates, fees, variable charges, and terms and conditions for the services provided. No entity, including an aggregator or agent of a supplier or aggregator, who sells or offers for sale any electric generation services for or on behalf of a supplier, may engage in any deceptive acts or practices in the marketing, sale, or solicitation of these services.

The bill has provisions governing door-to-door sales, including those where the supplier, aggregator, or agent solicits the sale and receives the customer's agreement or offer to purchase at a place other than the seller's place of business. These sales must be conducted (1) in accordance with any municipal and local ordinances regarding door-to-door solicitations, (2) between 10 a.m. and 6 p.m., (3) with both

Spanish and English written materials available. Representatives of a supplier, aggregator, or agent must prominently display or wear a photo identification badge stating the name of their employer or the electric supplier they represent. Each supplier, aggregator, or agent must conduct a criminal background check on each person it employs to conduct such sales. They may not employ anyone to conduct these sales who has been convicted of a felony or a misdemeanor involving robbery, theft, misrepresentation, or any similar crime.

By law, a supplier may not advertise or disclose the price of electricity in a way that would mislead a reasonable person into believing that the electric generation services portion of the bill will be the person's total electric bill. When advertising or disclosing the price for electricity, the supplier must disclose the electric company's average current charges, including the competitive transition assessment and the systems benefits charge, for that customer class. Finally, suppliers must comply with the federal telemarketing law, which among other things restricts when they can call. The bill extends these provisions to aggregators and to agents of suppliers and aggregators.

Required Disclosures

The bill requires each supplier to disclose in a standardized format (1) the amount of additional renewable energy credits such supplier will purchase beyond required credits, i.e., those required under the renewable portfolio standard (RPS); (2) where the additional credits are being derived from; and (3) the types of renewable energy sources that will be purchased. Each supplier may only advertise renewable energy credits purchased beyond those required under the RPS and must report to DPUC the renewable energy sources of such credits and whenever the mix of these sources changes.

Generation Services Contracts

Under the bill, each contract for generation services must contain all material terms of the agreement, a clear and conspicuous statement explaining the rates that the customer will pay, including the

circumstances under which the rates may change, how those rates compare with the customer's current electric generation services costs, and how long those rates are guaranteed. The contract must also include a clear and conspicuous statement providing the customer's right to cancel such contract within three days of signature or receipt of the supplier's notice, describing under what circumstances, if any, the supplier may terminate the contract, and describing any early termination penalty. Each contract must be signed by the customer, or otherwise agreed to, and signed by a legally authorized representative of the supplier. Each contract for electric generation services by an electric supplier must be signed by a registered electricity broker or representative and the customer and must include (1) clear and conspicuous notice of the price for electricity, (2) the circumstances under which that price may change, (3) the length of the contract, (4) the circumstances under which the supplier or the consumer may terminate the contract, and (5) any other material terms of the agreement.

Under current law, a supplier cannot begin serving a customer until he or she signs a service contract or agrees to the service using one of four mechanisms. These are (1) independent telephone verification of the customer's choice, (2) consenting by electronic means, (3) the customer signing a document that that explains the nature and effect of starting service, or (4) submitting a written confirmation that the customer has received an information package about the service. The bill modifies the first three mechanisms. It requires that the customer first receive a written contract that meets the bill's requirements in order for the supplier to use the first or second option to confirm the customer's choice. It requires the customer to sign the contract, rather than the explanatory document under the third option.

Any contract for electric generation services that DPUC finds to be the product of unfair or deceptive marketing practices or that violates current law or the bill is void and unenforceable. Any waiver of these provisions by a customer of electric generation services is void and unenforceable by the supplier.

Right of Rescission

Under current law, customers with demand up to 500 kilowatts can cancel a contract with a supplier within three business days of entering into it. The bill gives the customer until three business days after (1) this date or (2) when the customer receives the supplier's written notice (apparently the notice confirming the customer's choice), whichever is later. The bill extends this right to customers with demand over 500 kilowatts.

Changes to Contracts

Under the bill, a supplier may not make a material change in the terms or duration of any contract without the customer's express consent. But, a supplier may renew a contract by clearly informing the customer in writing, 30 to 60 days before the renewal date, of the renewal terms and of the option not to accept the renewal offer. The supplier may not charge a residential customer a termination or early cancellation fee if the customer terminates or cancels the renewal within seven business days after receiving the first billing statement for the renewed contract.

The bill bars suppliers from charging a residential customer a fee for termination or early cancellation of a contract beyond (1) $100 or (2) twice the estimated bill for energy services for an average month, whichever is less, provided the supplier provides the residential customer an estimate of such customer's average monthly bill when it offers a contract.

Record-keeping

Suppliers must maintain records of signed service contracts or consents for at least two years from the contract's expiration date. The supplier must provide the records to DPUC or the customer on request.

Penalties for Violations

The bill allows DPUC to adopt regulations, including on abusive switching practices, solicitations and renewals by electric suppliers.

By law, a violation of the existing consumer protection provisions of the laws governing suppliers and aggregators is an unfair trade practice. The bill also makes a violation of the protections it adds unfair trade practice. In addition, the bill allows DPUC to impose the following sanctions for any violation or failure to comply with existing law or the bill's provisions: (1) civil penalties of up to $10,000, (2) suspension or revocation of a supplier's or aggregator's license, or (3) a prohibition, following a contested case hearing, on accepting new customers.

INFORMATION CONTAINED ON ELECTRIC BILLS

By law, DPUC was required to adopt regulations specifying the billing format for electric companies and suppliers that directly bill their customers. The regulations had to provide guidelines for determining the billing relationship between the companies and suppliers, addressing such things as allocation of partial bill payments. The bill terminates these guidelines as of October 1, 2010.

Electric Company Bills

Under current law, bills must include a statement about the availability of a program, described below, under which electric companies provide information about competitive suppliers at certain times. The bill limits this provision, as it applies to electric companies, to the bills of customers with demand of 500 kilowatts or more over the past 12 months (although the program only applies to smaller customers).

The bill eliminates the requirement that electric company bills indicate the generation service charge (the retail cost of power) for those customers who buy their power from suppliers (whether or not their supplier bills them directly).

Competitive Suppliers' Bill

The bill modifies the billing information a supplier that chooses to provide billing and collection services to its customers must provide. It eliminates requirements that such bills include:

1. the distribution charge, including all applicable taxes;
2. the systems benefits charge;
3. the transmission rate as adjusted by law;
4. the competitive transition assessment; and
5. the conservation and renewable energy charges.

By law, these charges and rates are the same for all customers, whether they buy power from the electric company or supplier, and appear on electric company bills.

Under current law, the bill must show the customer's rate and usage for the current month and each of the last 12 months in the form of a bar graph or other visual format, unless the customer is subject to a demand charge. The bill eliminates this exception.

COMPETITIVE SUPPLIER PROGRAM

The bill eliminates the requirement that electric companies provide information to their residential and small commercial customers, on request, about introductory offers from competitive suppliers. Under current law, the companies must make information about these offers available when the customer (1) begins service or reinstates service after moving, (2) inquires about utility rates, or (3) seeks information about energy efficiency. Under current law, the customer must be immediately transferred to a call center operated by the supplier. A customer can switch to a participating supplier, switch to another participating supplier, or return to electric company service at any time without charge. The bill also eliminates the ability of participating suppliers to provide information about their introductory offers in electric company bills once per quarter.

The bill eliminates the requirement that each electric company offer to bill customers on behalf of participating suppliers. The companies must make transfers of the customers' payments for generation services, less a percentage deduction of uncollectible bills and overdue

payments as approved by DPUC.

The bill makes conforming changes.

ELECTRIC BROKERS

The bill requires electric brokers to register with DPUC to arrange for the purchase of generation services. Under the bill, an electric broker is any person, municipality or regional water authority, electric cooperative, or the Connecticut Resources Recovery Authority, that arranges or acts as an agent, negotiator or intermediary in the sale or purchase of generation services between an end-use customer in the state and any electric supplier, but does not take title to any of the generation services sold. The bill authorizes the Connecticut Resources Recovery Authority and electric co-operatives to act as electric brokers.

The bill allows an entity that has been issued an electric supplier license by DPUC (i.e., one that actually sells electricity to customers) to act as an electric aggregator or electric broker without registering. The bill requires DPUC to maintain a list of brokers and make it available to customers on request.

The bill generally treats brokers like aggregators. Among other things, it requires them to provide the same information on their registration applications as aggregators. It also subjects brokers that violate DPUC orders to the same penalties that apply to aggregators. These include civil penalties, registration suspension or revocation, and a prohibition on signing up new customers.

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the Consumer Protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than $5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals

to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to $5,000 for willful violations and $25,000 for violation of a restraining order.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute
Yea 20 Nay 1 (03/24/2010)